

## **VOIR DIRE PROCEDURES IN DEPARTMENT 40**

### **Before Voir Dire:**

1. The bailiff or clerk will provide counsel with a list of the court's general voir dire questions (which are also available on the court's website) and jury seating charts.
2. Counsel may submit proposed general voir dire questions they wish the court to ask. Other than noting on the record which prospective jurors have raised their cards in response to a general question, the Court will typically not ask the jurors who responded any follow up questions (e.g., will that influence your consideration of this case, will you be unable to follow the instructions of the Court, etc.).
3. In civil cases, counsel shall submit a proposed, written brief summary of the case to be read to the jurors at the beginning of voir dire.
4. Counsel and the Court will decide the length of time for each counsel's questioning of the panel.
5. Counsel and the Court will decide the size of the panel and the number of alternate jurors.

### **Juror Questionnaires:**

6. Because juror questionnaires are public documents and may be sealed in the court file only after special findings (See *State v. Coleman*, 151 Wn. App. 614 (2009)), the Court rarely uses juror questionnaires.

### **Assignment of a Jury Panel:**

7. We receive from the jury room a randomized list of jurors and the juror information sheets.
8. Each juror is assigned a number, beginning with the number one. Each juror has only this number and this is the number used during voir dire. Each juror will receive a large card showing his/her number. To preserve an accurate record, counsel should identify the number of the juror being questioned.

### **The Procedure upon Arrival of the Panel:**

9. The jurors are brought into the courtroom by the bailiff. Jurors one through thirteen are seated in the jury box (front row, seat closest to the witness stand is number one, second row, seat closest to the witness stand is number seven). The remaining jurors sit on the benches starting with number fourteen in the first row, stage right, from the Court's perspective.
10. The Court reads the introductory remarks, the jurors are sworn to answer questions and the Court asks general voir dire questions.

### **Procedure for Voir Dire**

11. During the Court's general voir questions the Court inquires if the jury services will present an undue hardship and determines which, if any, of the jurors should be excused for hardships.
12. Each counsel may inquire of the entire panel for the predetermined length of time. Each party is normally allowed two segments of twenty minutes and may reserve whatever time is not used in

the first segment for the second. If asked, the Court will provide a warning two minutes before time is up.

13. The sole purpose of voir dire is to elicit information that will enable the parties to make an informed exercise of peremptory challenges for cause. Questions are governed by the following general rules:
  - a. Questions must be reasonable;
  - b. Questions are proper which are probative of and germane to the particular ground of possible disqualification disclosed by the juror;
  - c. Inquiry is proper as to employment, business, experience or feeling and beliefs of any juror where the juror's special knowledge, sympathy or bias could reasonably affect his/her ability to be impartial;
  - d. Questions may not be used solely to establish rapport with a juror;
  - e. Questions should not be repetitious, embarrassing or unfair;
  - f. Argumentative questions are improper, especially if designed to present a party's view of the case;
  - g. For particularly sensitive topics, counsel may offer to jurors the option of being questioned with the rest of the panel momentarily excused; and
  - h. Asking a juror to speculate on his or her verdict if certain facts are proved is improper.
14. Challenges for cause should be made at the time they arise.
15. At the end of the inquiry by counsel each party exercises its peremptory challenges, alternating starting with the plaintiff, in open court and are to be directed at the jurors in the box only.
16. As jurors are challenged and excused from the box, remaining members of the panel are assigned to the vacated seats in order of the juror numbers.
17. Once a party accepts the jurors as then empaneled, that party may only challenge new jurors who fill a vacated seat.
18. After the jurors in the box are accepted the remaining jurors are excused.
19. The Court randomly chooses the alternate juror(s) at the end of the trial, unless the parties agree to identify a specific juror as the alternate for a compelling reason, for example to accommodate that juror's pre-existing schedule.